

A bill to amend the tenth section of an act to organize the district courts, and define their powers and jurisdiction.

On motion of Mr. Dancy, the Senate adjourned until quarter before ten o'clock to-morrow morning.

AUSTIN, Friday, December 5, 1851.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Truit introduced a bill to authorise Robert Burns, a citizen of Louisiana to practise law in all the courts of the State of Texas; read first time.

Mr. Reaves, Chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, to wit:

A bill to define and fix the southern boundary line of Washington county, and the northern boundary line of Austin county.

A bill to require the return of field notes in certain cases.

A bill to incorporate the town of Belton, in Bell county, and

A bill for the relief of A. F. Holcomb.

Mr. Gray, chairman of the committee on the Judiciary, to which was referred a bill to repeal the 24th section of an act concerning crimes and punishments, approved 20th March, 1848, reported the same back and recommended its passage.

Mr. Gray, from the same committee reported the following bills back and recommended their passage, viz:

A bill to incorporate the town of Anderson, in Grimes county.

A bill to incorporate the town of Clarksville, and

A bill to incorporate the town of Quitman.

Mr. Gray, from the same committee made the following report:

The committee on the Judiciary, have considered the petition of Condé Raguet, asking relief as the assignee of John M. Rine, to whom a certificate for one third of a league of land was issued by the land Commissioners of Harrisburg county in 1838, and which was not recommended for patent by the investigating board. They find from the records in the Adjutant General's office, that Rine was a soldier in the service of Texas, prior to August 1836, and again after that time for

twelve months, and therefore he was clearly entitled to the land certificate issued to him. The Clerk of the Commissioners of Harrisburg county, omitted to enter the proof made before the board, and hence it was not recommended by the investigating board; which fact appears from the certificate of the Clerk of the county court of that county. The case clearly comes within the provision of the constitution declaring such claims null and void. The certificate cannot be made valid by legislation, but the equity and hardship of the case is such as to demand relief of some sort, and the only mode suggested is to issue a new certificate to Rine, or his legal assignee. The committee therefore report the enclosed bill, to be entitled an act for the relief John M. Rine, or his legal assignee.

P. W. GRAY, Chairman.

A bill for the relief of John M. Rine, or his legal assignee; read first time.

Mr. Gray, from the same committee, made the following report:

The committee on the Judiciary have considered a bill to repeal a joint resolution for the relief of free persons of color, approved June 5th, 1837. The law proposed to be repealed is one of those permitting free colored persons, who were residents of Texas at the date of the Declaration of Independence, to remain in the country. Your committee are fully aware of the evils resulting from the presence of a large number of free blacks among the slave population of their own color, and also of the degraded character of most of that class. But considering all the circumstances of the case, the committee cannot recommend the passage of the bill. The law in question was enacted by legislators, many of whom were personally aware of the services rendered the country by some of that class of persons in the time of our revolutionary struggle, and who knew that they were not deserving of exile from the land of their choice, but rather of protection at their hands. The number of free blacks protected by this law, at no time large, is daily diminishing from natural causes; our laws prevent the ingress of others of that rank and condition, and the committee are not aware that any evil of magnitude results from the presence of the few protected by this law; certainly none demanding that they should be driven forth as exiles and wanderers on the earth, at this late day. The committee recommend that the bill be laid upon the table.

P. W. GRAY, Chairman.

Mr. Taylor, chairman of the committee on Private Land

Claims, to whom was referred a bill for the relief of William Gibbs of Tyler county, reported a substitute therefor, and recommended its adoption and passage.

Mr. Taylor, from the same committee, to whom was referred the petition of the heirs of Felix A. Richardson dec'd. reported a bill for their relief; which was read first time.

Mr. Parker, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to whom was referred a joint resolution for the relief of Joseph W. E. Wallace, have instructed me to report, that on the 8th of March, 1848, an act passed for the relief of said Wallace, for the sum of six thousand five hundred and forty-three dollars; and claimant now asks for interest from 1836. To acknowledge now, an interest on such claims would establish a principle deleterious to the interest of the State; that if interest is to be allowed in this case it must be allowed on all similar claims against the late Republic, or State of Texas. Therefore, the indefinite postponement of the resolution is recommended; all of which is respectfully submitted.

Mr. Duggan made the following report:

The committee on Enrolled Bills have examined the following bills, to wit :

An act to amend an act concerning the book or register of land certificates issued from the county of Harris, which was at one time mislaid, but said book has subsequently been found and identified as genuine and unaltered;

An act authorizing the Treasurer to pay to John A. Greer, guardian of J. A. Greer, jr., any monies deposited by order of the county court of Grimes county;

And beg leave to report them correctly enrolled, and that they have this day been deposited with the Governor for his signature.

ORDERS OF THE DAY.

A bill to require the return of field notes in certain cases; read, and, on motion of Mr. Bogart, laid on the table.

The Senate concurred in the amendment of the House to a bill concerning estates of deceased soldiers.

A bill for the relief A. F. Holcomb; read third time and passed by the following vote.

YEAS—Messrs. Armstrong, Bigelow, Bogart, Burleson, Daney, Davis, Day, Doane, Duggan, Gray, Grimes, Hill, Kinney, Merriman, Meusebach, Scott, Taylor, Truit and Williams—19.

NAYS—Messrs. Burks and Reaves—2.

A bill to define and fix the southern boundary line of Washington county, and the northern boundary line of Austin county; read third time and passed.

A bill to incorporate the town of Belton, in Bell county; read third time and passed.

Mr. Merriman introduced a bill supplementary to the act to establish the Galveston and Red River Rail-way Company; read first time.

Mr. Scott offered the following resolution:

Resolved, That the committee on the Judiciary be requested to take into consideration the propriety of investing the county courts of the several counties of this State with the authority to grant charters of incorporation to cities, towns and villages, and report by bill or otherwise.

A bill confirming the action of the Auditor and Comptroller, under the provisions of an act of the Legislature "to provide for ascertaining the debt of the late Republic of Texas," approved March 20, 1848, and the act supplementary thereto, approved February 8, 1850: read, and on motion of Mr. Dancy, laid on the table until Wednesday next.

A message was received from the House, informing the Senate that the House had passed a bill originating in the Senate, making an appropriation to pay William Smith, sheriff of Starr county, for taking three convicts to the State penitentiary, with amendments; which were concurred in by the Senate, by the following vote:

Yeas—Messrs. Armstrong, Bigelow, Bogart, Burks, Burleson, Dancy, Davis, Day, Doane, Duggan, Eddy, Gray, Grimes, Hart, Hill, Kinney, Merriman, Meusebach, Parker, Reaves, Truit, Williams and Wilson—23.

Nays—Messrs. Scott and Taylor—2.

A bill for the relief of Charles Chevallier, assignee of Napoleon Devaltz; read, and on motion of Mr. Taylor, laid on the table.

The report of the committee on Public Lands on the petition of Richard Parmalee, assignee of Baltazar Orset; read, and on motion of Mr. Armstrong, laid on the table.

A bill relinquishing to the county of El Paso a certain tract of land; read and passed to a third reading.

The report of the committee on Internal Improvements, on a bill to regulate divisional fences, recommending its rejection, was read and adopted.

On motion of Mr. Armstrong, a bill to provide for the service of process issuing from justices courts, in certain cases, was taken from the table, and placed among the orders of the day.

A bill to encourage the deepening of the Anahuac Pass at the mouth of the Trinity river ; read, and passed to a third reading.

A bill for the relief of Julia Buchanan ; read and passed to a third reading.

A bill for the relief of W. D. Thompson & Co., assignees of John Simonds :

Mr. Hill moved to amend the bill by striking out "W. D. Thompson & Co., assignees of," and inserting after "John Simonds," "his heirs or assigns ;" adopted.

Mr. Hill also offered the following amendment : Strike out the following words : "upon their filing in his office a regularly authenticated chain of transfer from said Simonds ;" lost.

On motion of Mr. Gray, the vote which adopted the first amendment offered by Mr. Hill was re-considered, and the amendment rejected. The bill then passed to a third reading.

A bill to provide for the erection of public buildings in Kaufman county ; read and passed to a third reading.

A message was received from the House, informing the Senate that the House had adopted the following resolution :

Resolved, with the consent of the Senate, That the committee on the Penitentiary on part of the Senate, and the like committee on part of the House, be hereafter a joint committee of both Houses.

Which was adopted by the Senate.

A bill to locate the seat of justice of Cass county ;

A bill for the relief of Samuel C. Henderson ; and

A bill for the relief of Julian Sanchez, were severally read and ordered to be engrossed.

A bill to provide for the reception and deposit of a portion of the indemnity due the State of Texas by the United States, for the sale of a portion of her north-western territory, under the provisions of an act of Congress approved Sept. 9th, 1850 ; read second time, and on motion of Mr. Dancy, made the special order of the day for Monday next.

On motion of Mr. Wilson, fifty copies of the bill were ordered to be printed, for the use of the Senate.

The following bills from the House were severally read a first time, to wit :

A bill authorizing the county court of El Paso county to appoint the place of holding the district courts in said county, and defining the time of holding the district courts in the eleventh judicial district ;

A bill to render valid and effectual to legal claimants, patents

for land which have been issued, or which may hereafter be issued, in the names of deceased persons ;

A bill to incorporate the town of Gilmer, in Upshur county ;

A bill for the relief of the securities of John W. McKissick, late assessor and collector of Fayette county ;

A bill better defining the boundaries of Denton county ;

A bill transferring an appropriation therein named ;

A bill validating certain certificates therein mentioned ;

A bill for the relief of John B. Thacker.

On motion of Mr. Kinney, a bill to remove certain Spanish records hereinafter described, from the General Land Office to the county court clerk's office of Refugio county, was taken from the table and referred to the committee on Public Lands.

A bill for the relief of Oliver Hedgecoxe: read second time, and ordered to be engrossed.

A bill making an appropriation to pay the several assessors and collectors of taxes for taking the census of their respective counties for the year 1851 ; read second time, and ordered to be engrossed.

The report of the committee on State Affairs, on a bill to allow the several counties in this State to establish work-houses or houses of correction, was read, and on motion of Mr. Grimes, laid on the table, and bill ordered to be engrossed.

Mr. Merriman presented the petition of Memucan Hunt ; referred to the committee on Internal Improvements.

Mr. Merriman also presented the petition of the heirs of J. F. Ailes, deceased ; referred to the committee on Public Debt.

The Senate concurred in the amendment of the House, to a bill to amend the estray law, approved February 8, 1850.

The report of the committee on a bill for the benefit of W. W. Wooten, assignee of David Lloyd, offering a substitute therefor, was read ; substitute adopted, and bill ordered to be engrossed.

A bill regulating sales by administrators and executors, &c. read, and on motion of Mr. Merriman, laid on the table.

A bill to provide for the service of process issuing from justices courts, in certain cases ; read, and on motion of Mr. Reaves, laid on the table until Monday next.

On motion of Mr. Bigelow, the Senate adjourned until 10 o'clock Monday morning.